

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HIRAM DEAN BIRD,

Defendant.

CR-14-51-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 26, 2019. (Doc. 87). Bird stated that he wished to waive his right to object to Judge Johnston's Findings and Recommendations. *Id.* at 4. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on June 25, 2019. The United States alleged that Bird had violated the conditions of his supervised release by failing to complete his 60-day substance abuse treatment program at Connections Corrections in Warm Springs, Montana. (Doc. 87 at 2). The

government proved that Bird had violated the conditions of his supervised release.

Id. This violation proves serious and warrants revocation of Bird's supervised release.

Judge Johnston has recommended that the Court revoke Bird's supervised release and commit Bird to the custody of the Bureau of Prisons for five (5) months with thirty-nine (39) months of supervised release to follow. *Id.* at 3. Judge Johnston recommended further that the supervised release conditions imposed previously should be continued, with the exception of the supervised release condition requiring substance abuse treatment at Connections Corrections.

Id.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Bird's violations represent a serious breach of the Court's trust. A custody term of five (5) months with thirty-nine (39) months of supervised release to follow proves sufficient but not greater than necessary.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 87) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Hiram Dean Bird receive a custody sentence for five (5) months with thirty-nine (39) months of supervised release to follow. The supervised release conditions imposed previously should be

continued, with the exception of the supervised release condition requiring substance abuse treatment at Connections Corrections.

DATED this 1st day of July, 2019.

A handwritten signature in blue ink, appearing to read "Brian Morris".

Brian Morris
United States District Court Judge

